RESPONSE

In response to the Office Action dated June 29, 2005, Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that all pending claims (1-21 and 23-28) are in condition for allowance.

The United States Patent and Trademark Office (the "Office") rejected claims 11-15 and claims 21-22 under 35 U.S.C. § 102(e) as being anticipated by *Achuthan* (U.S. App. No. 09/738,668), rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over *Harlow et al.* (U.S. Patent No. 5,206,901) in view of *Achuthan*, rejected claims 6-7 under 35 U.S.C. § 103(a) as being unpatentable over *Harlow et al.* in view of *Achuthan* as applied to claims 1-5 above and further in view of *Jones* (U.S. Patent 5,475,748), rejected claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over *Harlow et al.* in view of *Achuthan* as applied to claims 1-5 above and further in view of *Archer* (U.S. Pat. No. 6,683,870), rejected claims 16-17 and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over *Achuthan* in view of *Jones*, and rejected claims 18-20 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over *Achuthan* in view of *Archer*. The Assignee shows, however, that the pending claims are not fully disclosed in the cited references nor are the pending claims anticipated, nor obviated, by the cited references. Thus, the Assignee respectively submits that the pending claims (1-21 and 23-28) are ready for allowance.

Interview Summary:

A telephone interview was held Monday, August 15, 2005 between Examiner Jason Mattis, Huy Vu (the Examiner's supervisor), and Bambi Faivre Walters (attorney for Assignee). The participants discussed *Achuthan* and other the cited art and discussed proposed claim amendments directed at prompting the calling party for the priority code.

§102 Rejection:

The office rejected claims 11-15 and 21-22 under 35 U.S.C. § 102(e) as being anticipated by *Achuthan et al.* (hereafter referred to as "*Achuthan*" (U.S. Patent Application 09/738668). A claim is anticipated only if each and every element is found in a single prior art reference. *See*

Page 11

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir.1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8ᵗʰ Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the reference to *Achuthan* fails to include every element of the pending claims. The reference to *Achuthan*, then, does not anticipate this invention, and Assignee respectfully requests that Examiner Mattis remove the 35 U.S.C. § 102(e) rejection of claims 11-15 and 21-22.

Independent claims 11, 14, and 21 generally disclose methods for executing a priority action when processing an incoming call to a telephone line of a subscriber. *See* independent claims 11, 14, and 21. Each of these independent claims is presented below.

[c11]   A method for routing an incoming call from a calling party for a telephone line of a subscriber comprising the steps of:

associating a subscriber number of the subscriber with priority caller information;
storing the subscriber number and the priority caller information in a database;
detecting the incoming call;
consulting the database to determine whether the incoming call comprises the priority caller information; and
executing a priority action if the incoming call comprises the priority caller information,
wherein the *priority action comprises ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone; generating an outgoing call to another telephone associated with a second telephone line of the subscriber; generating an outgoing call to a wireless telephone of the subscriber via a wireless telephone network; and establishing a communication session with a computer associated with the subscriber via a computer network.*

[c14]   A method for routing an incoming call from a calling party *for a telephone line of a subscriber* comprising the steps of:
associating a subscriber number of the subscriber with at least one priority caller number, *each of the priority caller numbers comprising two or more priority codes for executing a corresponding call processing priority action;*
storing the subscriber number and the at least one priority caller number in a database;
detecting the incoming call;

Page 12

U.S. Application No. 09/855,804 Examiner Jason E. Mattis Art Unit 2665
Amendment & RCE to June 29, 2005 Office Action

consulting the database to determine whether the incoming call
comprises the at least one priority caller number; and

*executing a the priority action if the incoming call comprises the at
least one priority caller number, the priority action comprising an action
to ring a telephone associated with the telephone line with an alert signal
that is different from a regular ringing tone, forwarding the incoming call
to another telephone associated with a second telephone line of the
subscriber, forwarding the incoming call to a wireless telephone of the
subscriber via a wireless telephone network, and establishing a
communication session with a calling party and a computer associated
with the subscriber via a computer network.*

[c21]   (Currently Amended) A method for routing an incoming call from a
calling party *to a telephone line* of a subscriber comprising the steps of:

associating a subscriber number of the subscriber with at least one
priority code;

storing the subscriber number and the at least one priority code in a
database;

*soliciting the calling party for a priority code when the incoming
call is received, the priority code comprising an instruction for executing
a priority action for further processing the incoming call;*

receiving the priority code from the calling party;

consulting the database to determine whether the priority code
matches any of the at least one priority codes; and

*executing a the priority action if the priority code matches one of
the at least one priority codes, the priority action comprising an action to
alert the terminating equipment associated with the telephone line with a
priority alert signal that is different from a regular ringing tone, the
terminating equipment comprising a telephone and a computer.*

U.S. Patent Application No. 09/855,804, claims 11, 14, and 21.

Achuthan does not disclose or suggest these claims. Rather, *Achuthan* describes a
method for monitoring incoming communications to *"a communications terminal 104
whose use is shared by a plurality of users 100-102, for determining which one of the
plurality of users is an intended recipient, and for using an apparatus (i.e., the
"personalized call reception prompter 106") to generate "an appropriate alerting
prompt to one of the users 100-102 who is the intended recipient of [the] incoming
communication."* U.S. Patent Pub. No. 2002/0077102, paragraphs 17 and 22 (emphasis
added by Assignee); see also claims 1, 12, 13, 14, 16, 23-25. For these reasons and
others, *Achuthan* fails to describe or suggest the claimed invention of independent claims

Page 13

11, 14, and 21, and consequently, corresponding dependent claims 12-13, and 15. Claim

22 has been canceled, and consequently, the rejection of claim 22 is moot.

Regarding independent claims 11, 14, and 21, Examiner Mattis asserts:

With respect to claim 11, Achuthan et al. discloses a method of routing an incoming call from a calling party for a telephone of a subscriber (See page 2 paragraph 17 of Achuthan et al. for reference to routing a call to a subscriber and alerting the subscriber of a call). Achuthan et al. also discloses associating a number of the subscriber with priority caller information (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to a memory 122 storing a data structure 210 having fields that associate a user, or subscriber, ID 220 with a source caller ID 222 and with a priority ID field 224). Achuthan et al. further discloses storing the subscriber number and the priority caller information in a database (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to storing the user ID field 220, the source ID field 222, and the priority ID field 224 in a data structure table 210 of memory 122). Achuthan et al. also discloses detecting the incoming call (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to detecting an incoming communication, or call, at step 300). Achuthan et al. further discloses consulting the database to determine whether the incoming call comprises the priority caller information (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to searching the table 210 for an entry that identifies the source ID field 222 and corresponding priority ID field 224 of the incoming call, at steps 308 and 310). Achuthan et al. also discloses executing a priority action if the incoming call comprises the priority caller information (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to if an entry is found in the table 210, generating the specific prompt, which is a priority action, that is specified by the table entry, at step 312). Achuthan et al. further discloses that the priority action comprises ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone (See page 2 paragraph 22 of Achuthan et al. for reference to the specific prompt comprising a distinct ringing cadence, which is a ring that is different from a regular ringing tone).

***

With respect to claim 14, Achuthan et al. discloses a method of routing an incoming call from a calling party for a telephone of a subscriber (See page 2 paragraph 17 of Achuthan et al. for reference to routing a call to a subscriber and alerting the subscriber of a call). Achuthan et al. also discloses associating a subscriber number with at least one priority caller number (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to a memory 122 storing a data structure 210 having fields that associate a user, or subscriber, ID, or number, 220 with a source caller ID, or number, 222 and

Page 14

with a priority ID field 224). Achuthan et al. further discloses storing the subscriber number and at least one priority caller number in a database (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to storing the user ID field 220, the source ID field 222, and the priority ID field 224 in a data structure table 210 of memory 122). Achuthan et al. also discloses detecting the incoming call (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to detecting an incoming communication, or call, at step 300). Achuthan et al. further discloses consulting the database to determine whether the incoming call comprises the at least one priority caller number (See page 2 paragraph 22 and Figure 43 of Achuthan et al. for reference to searching the table 210 for an entry that identifies the source ID field 222 and corresponding priority ID field 224 of the incoming call at steps, 308 and 310). Achuthan et al. also discloses executing a priority action if the incoming call comprises the at least one priority caller number (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to if an entry is found in the table 210, generating the specific prompt, which is a priority action, that is specified by the table entry, at step 312).

***

With respect to claim 21, Achuthan et al. discloses a method of routing an incoming call from a calling party for a telephone of a subscriber (See page 2 paragraph 17 of Achuthan et al. for reference to routing a call to a subscriber and alerting the subscriber of a call). Achuthan et al. also discloses associating a subscriber number with at least one priority code (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to a memory 122 storing a data structure 210 having fields that associate a user, or subscriber, ID, or number, 220 with a source caller ID, or priority code, 222 and with a priority ID field 224). Achuthan et al. further discloses storing the subscriber number and the at least one priority code in a database (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to storing the user ID field 220, the source ID field 222, and the priority ID field 224 in a data structure table 210 of memory 122). Achuthan et al. also soliciting the calling party for a priority code when the incoming call is received (See page 3 paragraph 25 and Figure 5 of Achuthan et al. for reference to sending back a query data message to a calling party requesting a calling party identification, or priority code, at step 322). Achuthan et al. further discloses receiving the priority code from the calling party (See page 3 paragraph 25 and Figure 5 of Achuthan et al. for reference to determining if a source has provided a calling party identification in response to the query, at steps 306). Achuthan et al. also discloses consulting the database to determine whether the priority code matches any of the at least one priority code (See page 3 paragraph 25 and Figure 5 of Achuthan et al. for reference to determining if an entry corresponding to the supplied calling party identification matches an entry in table 210, at step 308). Achuthan et al. further discloses executing a priority action if the priority code matches one of the at least one priority codes (See page 3 paragraph 25 an Figure 5 of Achuthan et al. for reference to generating a

Page 15

specific prompt, which is a priority action, if it is determined that the supplied calling party identification matches an entry in table 210, at step 312).

Office Action mailed on June 29, 2005 (hereinafter referred to as the "Office Action"), pages 3-7.

However, upon review of Figs. 3, 4, and 5, and paragraphs 20-25, *Achuthan* discloses a personalized call reception prompter for multiple parties (users) such that each user is assigned a user ID 220 and can populate a database with his/her user ID 220, a source ID 222 (*i.e.*, the "telephone number" of the caller, explicitly described in paragraph 25), and a signal or priority code 224 (the priority code 224 is described as specifying "the priority of the communications arriving from the identified source," in paragraph 20). Fields, 220-224 are input by each user (not by a calling party). *See*, US 2002/0077102, paragraph 21. And, while the system of *Achuthan* may communicate with the caller to prompt for his or her telephone number – this telephone number is explicitly described as the source ID 222. Id., paragraph 25. The Office asserts that prompting for the source ID 22 equates to soliciting or prompting the caller for a priority code. However, *Achuthan* merely discloses that the caller can provide his or her telephone number and a user (intended recipient) and then the system will consult the database to see if the caller's telephone number is contained in the database, and if so, if the caller's telephone number has a pre-assigned priority code 224 that has been populated in the database by the user. In claims 11, 14, and 21, the caller actually controls priority – that is, priority is not dependent upon whether the user/subscriber has populated the database.

Still further, in regards to independent claims 11, 14, and 21, are amended to further describe the priority action. Claim 11 discloses that the priority action *comprises ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone; generating an outgoing call to another telephone associated with a second telephone line of the subscriber; generating an outgoing call to a wireless telephone of the subscriber via a wireless telephone network; and establishing a communication session with a computer associated with the subscriber via a computer network.* Claim 14 discloses that the *priority action comprises an action to ring a telephone associated with the telephone line with an alert signal that is different from a*

regular ringing tone, forwarding the incoming call to another telephone associated with a second telephone line of the subscriber, forwarding the incoming call to a wireless telephone of the subscriber via a wireless telephone network, and establishing a communication session with a calling party and a computer associated with the subscriber via a computer network. And, claim 21 discloses that the *priority action comprises an action to alert the terminating equipment associated with the telephone line with a priority alert signal that is different from a regular ringing tone, the terminating equipment comprising a telephone and a computer. See,* U.S. Patent Application No. 09/855,804, claims 11, 14, and 21.

For these reasons and others, *Achuthan, then, wholly fails to disclose and/or suggest the claimed subject matter.* Because *Achuthan* fails to teach or suggest the claimed subject matter, these claims are not anticipated. The Assignee, then, respectfully asks Examiner Mattis to remove the §102 rejection of independent claims 11, 14, and 21, and of corresponding dependent claims 12-13, and 15.

§103 Rejections:

The office rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over *Harlow et al.* (U.S. Patent No. 5,206,901) in view of *Achuthan,* rejected claims 6-7 under 35 U.S.C. § 103(a) as being unpatentable over *Harlow et al.* in view of *Achuthan* as applied to claims 1-5 above and further in view of *Jones* (U.S. Patent 5,475,748), rejected claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over *Harlow et al.* in view of *Achuthan* as applied to claims 1-5 above and further in view of *Archer* (U.S. Pat. No. 6,683,870), rejected claims 16-17 and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over *Achuthan* in view of *Jones,* and rejected claims 18-20 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over *Achuthan* in view of *Archer.*

If the Office wishes to establish a *prima facia* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary

skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art.   DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P.").

As described above, *Achuthan* fails to disclose and/or suggest the claimed subject matter of independent claims 11, 14, and 21 and of respective dependent claims 12-13, 15-20, and 22-29. The combination(s) of *Harlow*, *Jones*, and/or *Archer* do not cure these deficiencies of *Achuthan*.

Claims 1-5:

Independent claim 1 generally discloses a system for executing a priority action to route an incoming call to a telephone line of a subscriber. *See* independent claim 1 presented below.

> [c01]   A system for routing an incoming call from a calling party for a telephone line of a subscriber comprising:
> a service switching point associated with the telephone line; and
> a service control point in communication with the service switching point, wherein when the service switching point detects the incoming call, the service switching point launches a query comprising a subscriber number to the service control point,
> wherein when the service control point receives the query, the service control point determines whether the calling party is a priority caller,
> wherein the service control point returns a default response to the service switching point if the calling party is not a priority caller, and
> wherein the service control point returns a priority response to the service switching point if the calling party is a priority caller, *the priority response comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone, forwarding the incoming call to another telephone associated with a second telephone line of the subscriber, forwarding the incoming call to a wireless telephone of the subscriber via a wireless telephone network, and establishing a communication session with a calling party and a computer associated with the subscriber via a computer network.*

U.S. Patent Application No. 09/855,804, claim 1 (emphasis added by Assignee).

Regarding independent claim 1, Examiner Mattis asserts:

Page 18

With respect to claim 1, *Harlow et al.* discloses a system for routing an incoming call from a calling party for a telephone line of a subscriber (See **column 3 lines 32-43 and Figure 1 of Harlow et al. for reference to a telecommunication system 100 for routing calls between telephones).** Harlow et al. also discloses a service switching point associated with the telephone line (See **column 3 lines 44-63 and Figure 1 of Harlow et al. for reference to SSP, or service switching point, 110 being associated with telephone lines of devices 111 and 112).** Harlow et al. further discloses a service control point in communication with the service switching point (See **column 4 lines 20-34 and Figure 1 of Harlow et al. for reference to service control point 170 providing a database for use by SSP 110, meaning SCP 170 is in communication with SSP110).** Harlow et al. also discloses that when the service switching point detects an incoming call, the service switching point launches a query comprising a subscriber number to the service control point (See **column 4 lines 35-54 and Figure 1 of Harlow et al. for reference to SSP 110 recognizing an incoming call and sending a message, or query, through STP 160 to SCP 170 requesting instructions).** Harlow et al. does not disclose that the service control point determines whether the calling party is a priority caller. Harlow et al. also does not disclose that the service control point returns a default response to the service switching point if the calling party is not a priority caller. Harlow et al. further does not disclose that the service control point returns a priority response to the service switching point if the calling party is a priority caller.

***

With respect to claims 1-5, Achuthan et al. in the field of communications, discloses a device that acts as a service control point as a part of a telecommunication network (See **page 2 paragraph 17 and Figure 1 of Achuthan et al. for reference to prompter 106, which acts as a service control point, that may be integrated into a telephone network 108).** Achuthan et al. also discloses that the prompter 106 determines whether the calling party is a priority caller (See **page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to using a source ID to search a table 210 to determine if a calling party is a priority caller as identified by the fields of table 210, at step 308).** Achuthan et al. further discloses returning a default response if the calling party is not a priority caller (See **page 3 paragraph 24 and Figure 4 of Achuthan et al. for reference to, if the priority information cannot be found in the table 210, using a generic prompt, which is a default response, that is specified by the table).** Achuthan et al. also discloses returning a priority response if the calling party is a priority caller (See **page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to, if the priority information is found in table 210, generating a specific prompt, or priority response, that is specified by the table entry).** Achuthan et al. further discloses that the information received by the prompter 106 comprises priority caller information (See **page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to arriving signals or messages identifying the source of the communication, at step 302, with the source ID being used as priority caller information).** Achuthan et al. also discloses that the priority caller information is a telephone number associated with a second

telephone line that is used to initiate the incoming call (**See page 2 paragraph 20 of Achuthan et al. for reference to the priority information being a source ID, for example a caller ID, which is the telephone number of a telephone line that is used to initiate an incoming call to the subscriber**). Achuthan et al. further discloses that the priority caller information is a priority code supplied by the calling party (**See page 3 paragraph 25 of Achuthan et al. for reference to the source caller being prompted by a query to supply its identification, which is a priority code supplied by the calling party**). Achuthan et al. also discloses that the default response comprises an instruction to terminate the call using a regular ring tone (**See page 3 paragraph 24 of Achuthan et al. for reference to a generic prompt, or default response, carrying no information other than that a communication is arriving, meaning that a regular ring tone is used**). Achuthan et al. further discloses that the priority response comprises an instruction to terminate the call using a priority alert signal (**See page 2 paragraph 22 of Achuthan et al. for reference to the prompt, or priority response, being a distinct ringing cadence, which is a priority alert signal**). Identifying callers as priority or non-priority callers has the advantage of providing a subscriber of the service a greater amount of information about an incoming call than a traditional telephone system does by using personalized alerts (**See page 1 paragraph 8 of Achuthan et al. for reference to this advantage**).

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Achuthan et al., to combine identifying callers as priority or non-priority callers, as suggested by Achuthan et al., with the system of Harlow et al., with the motivation being to provide a subscriber of the service a greater amount of information about an incoming call than a traditional telephone system does by using personalized alerts.

Office Action, pages 8-11.

Harlow, however, describes the following:

FIG. 1 shows a simplified block diagram of a telecommunication system 100, wherein the exemplary method of this invention may be practiced. In this exemplary embodiment, telecommunication system 100 is an intelligent network, similar or identical to the intelligent network described in AT&T Technical Journal, Summer, 1991, pp. 11-25, which is incorporated herein by reference. Intelligent network 100 comprises, in this exemplary embodiment, a plurality of switching service points (SSPs) 110, 120, and 130. Three SSPs are shown in this example for clarity, but an operational intelligent network may comprise more SSPs.

* * *

SSP 110 is, in this exemplary embodiment, a distributed control, local digital switch, such as a 5ESS.RTM. switch as described in the AT&T Technical Journal, v. 64, no. 6, July/August 1985, pp. 1303-1564, the November, 1981 Bell Laboratories Record, p. 258, and the December, 1981 Bell Laboratories Record, p. 290, and manufactured by AT&T. Alternatively, SSP 110 may be a distributed

control, analog or digital switch, such as an ISDN switching system as disclosed in U.S. Pat. No. 4,592,048, issued to M. W. Beckner et al., on May 27, 1986. SSP 110 is connected to a plurality of telephone station sets, such as dual-tone, multi-frequency (DTMF) telephone 111 and integrated services digital network (ISDN) telephone 112. ISDN telephone 112 may be connected to a personal computer, as is known in the art. SSP 110 is a stored program controlled system, under control of processor 113. Processor 113 maintains a subscriber line status table 114 of the on-hook, off-hook, or other state of all of the telephone station sets (such as 111, 112) connected to SSP 110. SSPs 110, 120, and 130 are interconnected by a plurality of trunks or channels 140 which provide voice and data communication paths between SSPs. SSPs 110, 120, and 130 are also interconnected by signaling channel 150. SSPs use signaling channel 150 to communicate with each other in setting up connections and providing special features. SSPs communicate on signaling channel 150 using Signaling System 7 (SS7) protocol in this exemplary embodiment, as is known in the art. Signaling channel 150 is connected to signal transfer point 160 (STP), which acts as a signaling switch to receive and forward messages among SSPs, and receives and forwards signaling as necessary to a switching control point 170 (SCP). SCP 170 provides a common data base 175 for use by all of the SSPs.

<p style="text-align:center">***</p>

In this exemplary embodiment of this invention, a person at telephone 111 is calling a person whose office telephone is, for example, telephone 122. In this example, the person whose telephone is 122 is a sales person who subscribes to the feature which is embodied in this invention. Further, the sales person also has a mobile telephone 136. The user of telephone 111 dials a special directory number. In this embodiment, all switches, whether part of the intelligent network or not, recognize this number as receiving special call treatment, similarly to current treatment of "800" and "900" calls. Non-SSP switches route the call to an SSP, such as SSP 110. The actions at SSP 110 are identical whether the call originated on SSP 110 or was preliminarily routed to SSP 110. SSP 110 recognizes the special directory number during translation and sends a message on signaling channel 150 through STP 160 to SCP 170 requesting routing instructions. SCP 170 performs a database lookup in database 175 and returns primary and secondary destination telephone numbers to SSP 110.

<u>U.S. Patent No.5,206,901</u>, column 3, lines 44–63 and column 4, lines 20-54.

Consequently, *Harlow* fails to disclose or suggest (1) that when the service control point receives the query, the service control point determines whether the calling party is a priority caller, (2) that the service control point returns a default response to the service switching point if the calling party is not a priority caller, or (3) that the service control point returns a priority response to the service switching point if the calling party is a priority caller, wherein the priority response includes *an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular*

<p style="text-align:center">Page 21</p>

ringing tone, forwarding the incoming call to another telephone associated with a second telephone line of the subscriber, forwarding the incoming call to a wireless telephone of the subscriber via a wireless telephone network, and establishing a communication session with a calling party and a computer associated with the subscriber via a computer network. And, for reasons described above and others, *Achuthan* cannot and does not cure these deficiencies. Accordingly, the Assignee, then, respectfully asks Examiner Mattis to remove the §103 rejection of claims 1-5.

Claims 6-7:

Regarding claims 6-7, Examiner Mattis asserts:

> **With respect to claim 6,** the combination of Harlow et al. and Achuthan et al. does not disclose that the priority response comprises an instruction to initiate an outgoing call to another telephone.
> **With respect to claim 7,** the combination of Harlow et al. and Achuthan et al. does not disclose that the another telephone is a wireless telephone.
> **With respect to claims 6-7,** Jones, in the field of communications, discloses, in response to a priority determination, initiating an outgoing call to multiple telephones **(See column 4 lines 2-26 and column 5 lines 24-48 of Jones for reference to initiating calls to multiple telephones and for reference to using prerecorded caller identifications to assign callers a priority as to which of the multiple telephones, if any, that a call should be sent to).** Jones also discloses that one of the multiple phones is a wireless phone **(See the abstract of Jones for reference to calling numbers of cellular phones, which are wireless phones).** Initiating an outgoing call to multiple telephones associated with a subscriber has the advantage of allowing a subscriber to receive important calls even if the subscriber is not located at the extension that was initially dialed by the caller **(See column 4 lines 2-26 of Jones for reference to this advantage).**
> It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Jones, to combine initiating outgoing calls to multiple telephones associated with a subscriber, as suggested by Jones, with the system of Harlow et al. and Achuthan et al., with the motivation being to allow a subscriber to receive important calls even if the subscriber is not located at the extension that was initially dialed by the caller.

Office Action, pages 11-13.

The cited passage of *Jones* merely describes the following:

Page 22

The present invention is directed to situations in which an individual cannot be reached at an extension and due to urgency or some other reason it is important that the individual be reached by a caller, rather than recording a message, and to situations in which an individual must be reached as quickly as possible and the MCU memory 46 contains more than one telephone number for the individual or "called party". According to the present invention, the processors 18, 24 in the platform 10 are programmed to respond in the situations described above by initiating a plurality of outdialing operations in a predefined manner to contact the called party. The predefined manner may be a specific order determined by the contents of the search file, such as the file illustrated in FIG. 2. In different situations, it may be preferable for the predefined manner to specify performing a number of outdialing operations simultaneously, such as in a case of extreme urgency, or to sequentially try one phone number after another until all phone numbers for an individual have been called. Depending upon the type of people who subscribe to the service, only one of these two types might be provided. However, in the preferred embodiment a search file according to the present invention is structured to provide the flexibility to perform either type of outdialing operation or a combination of the two.

***

In the event that an automated receptionist is used to provide a menu option for access to the search service, some mechanism may be used to identify or classify the caller. For example, when access to the search service is requested, the caller may be prompted for an access code. Alternatively, at this time or previously the caller may be asked to give the name of who is calling. In a conventional manner, this name may be stored as an announcement for when the called party is reached. In addition, the name could be compared with prerecorded names in a form of voice recognition to identify the caller. Other forms of caller identification may be used as known in the art. Using any of these means to identify the caller, the caller may be assigned a priority which is used to reference the priority field in the file illustrated in FIG. 2. For callers assigned different priorities, the system may use different sets of telephone numbers. For example, the system may not route calls from business associates to a subscriber's home, calls from some friends or other acquaintances might be routed to a subscriber's home, but not to an office number, etc. Other priority values might be provided for callers who do not have an access code or are not recognized when their name is given. This priority or another priority might not be permitted to use the search service at all, or at certain times of day by using the time field as described below.

U.S. Patent No. 5,475,748, column 4, lines 2-26 and column 5, lines 24-48.

Equipment providing information services, whether installed near a central office or provided as part of a PBX includes a search service for generating a number of outdialing operations in an effort to reach a subscriber of the search service for a caller. A plurality of outdialing operations are initiated simultaneously, sequentially, or as sets of calls in a sequence with each set including one or more simultaneously dialed telephone numbers. The numbers

Page 23

called may be extensions on a PBX, phone numbers within any area code, cellular phones, or any other type of number which can be reached by telephone. The caller is kept informed of the success or failure of the outdialing operations and when the subscriber called by the caller is reached, the two are connected and any other outdialing operation is terminated. When all of the outdialing operations for one set of telephone numbers is unsuccessful, the next set in sequence is used in one or more new outdialing operations.

Id., Abstract.

As described above in regards to independent claim 1, the combination of *Harlow* and/or *Achuthan* fails to disclose and/or suggest the claimed subject matter of dependent claims 6-7. *Jones* does not and cannot cure these deficiencies. Because the combination of *Harlow, Achuthan,* and/or *Jones* fails to teach or suggest the claimed subject matter of independent claim 1, dependent claims 6-7 are not obviated. The Assignee, then, respectfully asks Examiner Mattis to remove the §103 rejection of claims 6-7.

Claims 8-10:

Regarding claims 8-10, Examiner Mattis asserts:

> **With respect to claims 8-10,** Archer, in the field of communications, discloses establishing a connection with a computer associated with a subscriber via a computer network, when a telephone associated with the subscriber is called **(See column 8 line 43 to column 9 line 30 and Figure 1 of Archer for reference to in response to a dialed number with establishing an IP connection with a computer 134a associated with the called party over a packet switched network 130).** Archer also discloses that the communication uses TCP/IP **(See column 8 lines 43-49 of Archer for reference to using TCP/IP).** Archer further discloses that the communication is a voice-over-Internet protocol session **(See column 3 lines 4-10 of Archer for reference to a user being notified of a call through the user's computer and for reference to the user complete the call using a PC, meaning that the call uses a voice-over-Internet protocol session to receive the call through the Internet).** Establishing a connection with a computer associated with a subscriber has the advantage of allowing a subscriber to be notified of an incoming call if they are on-line at a computer and not within range of a telephone **(See column 3 lines 43-49 of Archer for reference to this advantage).**
>
> It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Archer, to combine establishing a connection with a computer associated with a subscriber, as suggested by Archer, with the communication system of Harlow et al. and Achuthan et al., with the motivation being to allow a subscriber to be notified of an incoming call if they are on-line at a computer and not within range of a telephone.

Page 24

Office Action, pages 11-13.

The cited passage of *Archer*, however, merely describes the following:

The operation of the present invention will now be described by providing
a specific example of a service which could be provided. The following list of
procedures assumes that standard error handling procedures are used. In the
preferred embodiment, errors are handled by standard TCP/IP transmission level
protocols. The service would have the following steps as illustrated by the flow
chart of FIG. 5.

1. Using standard phone service and equipment 114, a caller dials a called party's
find-me phone number (Step 102). This telephone number may be a specific
phone number, either local or toll-free (e.g., 800 or 888 area code). Alternatively,
multiple subscribers can share a single telephone number where each has a unique
identification code which would be entered by the caller.

2. The phone call is routed to a find-me server processor 128 through a packet-
switched network 130 (Step 104). For example, the call may reach the Internet via
an Internet Service Provider (ISP).

3. Follow-me server processor 128 performs a lookup to database 138 for the
called party's designated destination numbers (Step 106). The database 138 has
been set up beforehand by entering the TCP/IP based destination in the called
party's profile. As discussed above, database 138 can be a standard database to
store and retrieve phone number lists provided by the called party. The system
should preferably support either static or dynamic addresses. In a static addressing
scheme, each network interface is assigned a unique physical address. The address
may be assigned by the hardware manufacturer or configured by the user. A
dynamic addressing scheme provides a mechanism that automatically assigns a
physical address to a station when the station first boots. In the embodiment
illustrated in FIG. 2, database 138 would include telephone numbers for
telephones 120a and 120b and IP addresses for computers 134a and 134b.

4. Using the data identified in step 3, the server processor 128 simultaneously
issues a call notification to each of the receiving communication devices 120, 134
(Step 108). In the illustrated embodiment, server processor 128 would multicast
the call notification to the IP addresses of converters 132 and computers 134. The
converters 132 will translate the call notification and cause telephones 120 to ring.
One feature of this invention is that all of the call numbers on the called party's
follow-me destination list will ring simultaneously (within the delays associated
with the various equipment in the system). An example of this step was described
above with respect to step 62 in FIG. 4. This provides an advantage over present
commercially available systems which require sequential dialing.

Page 25

When the called party has designated a computer 134 as a destination, the computer is notified at this time to alert the called party of an incoming phone call. If the computer 134 is online, a message is sent to the called party requesting call completion. If not, the call is handled through standard follow-me call processing. This case is similar to a busy signal at a telephone 120.

U.S. Patent No. 6,683,870, column 8, line 43 to column 9 line 30.

The making and use of the various embodiments are discussed below in detail. However, it should be appreciated that the present invention provides many applicable inventive concepts that can be embodied in a wide variety of specific contexts. The specific embodiments discussed are merely illustrative of specific ways to make and use the invention, and do not limit the scope of the invention.

Id., column 3, lines 43-49.

An added functionality is the ability of the ISP to notify the user's computer if they are online and alert them of an incoming phone call. The user could then (using a standard multimedia computer) use a microphone and his computer's soundcard/speakers to complete the call using his PC. The user could also route the call back to his primary group if he so desired in case he missed the call initially.

Id., column 3, lines 4-10.

As described above in regards to independent claim 1, the combination of *Harlow* and/or *Achuthan* fails to disclose and/or suggest the claimed subject matter of dependent claims 8-10. *Archer* does not cure these deficiencies. Because the combination of *Harlow, Achuthan,* and/or *Archer* fails to teach or suggest the claimed subject matter of independent claim 1, dependent claims 8-10 are not obviated. The Assignee, then, respectfully asks Examiner Mattis to remove the §103 rejection of claims 8-10.

Claims 16-17, 23-24, 18-20, 25-27, and 28:

Similar to the reasons discussed above and others, the combination of *Achuthan, Jones,* and/or *Archer* fails to disclose and/or suggest the claimed subject matter of independent claims 14 and 21 and corresponding dependent claims 16-17, 23-24, 18-20, 25-27, and 28. Because the combination of *Achuthan, Jones,* and/or *Archer* fails to teach or suggest the claimed subject matter of independent claim 14 and 21, corresponding

Page 26

dependent claims 16-17, 23-24, 18-20, 25-27, and 28 are not obviated. The Assignee, then, respectfully asks Examiner Mattis to remove the §103 rejection of these claims.

CONCLUSION

All of the objections and rejections have been overcome. Further, none of the references cited by Examiner Mattis, alone or in combination disclose or suggest the claimed subject matter. Therefore, Assignee respectfully solicits a Notice of Allowance for all pending claims (1-21 and 23-28).

REQUEST FOR CONTINUED EXAMINATION (RCE) & AUTHORIZATION FOR PAYMENT OF FEES

Assignee respectfully requests continued examination (RCE) and includes Form PTO/SB/30 and payment of $790.

If there are any other fees due in connection with the filing of this response, please charge the fees to the credit card on file. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the credit card on file.

If the Office has any questions, the Office is invited to contact the undersigned at (757) 253-5729 or bambi@wzpatents.com.

Respectfully submitted,

Bambi J. Walters

Bambi F. Walters, Reg. No. 45,197
Attorney for Assignee
PO Box 5743
Williamsburg, VA 23188
Telephone: 757-253-5729

Date: 9/29/05

Page 27